



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/986,758 | 11/09/2001 | Frederic Gagnon | 051481-5077 | 5999 |

9629 7590 01/21/2003

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

[REDACTED] EXAMINER

FOX, JOHN C

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3753

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-----------------|------------|------------------------|
| Application No. | 09/986 758 | Applicant(s) |
| Examiner | Fox | Group Art Unit 3753 |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 11/9/01.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1-22 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-22 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 3753

This action is responsive to the communication filed November 9, 2001.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-14 and 16-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Bell. Bell shows a distribution manifold 1 having an inlet 1a at the bottom wall, which appears from the drawings to be cylindrical, and a plurality of outlets 3a which extend into the manifold 1 as shown in Figure 2. The inner ends of cylindrical outlets 3a have radii of half their diameter. The four outlets shown are read as two banks of two.

The recitation in claim 1 of "for an air mass flow controller for fuel cells" merely relates to intended use and is given no weight. The recitation in claim 12 of "airflow" merely relates to intended use and is given no weight. As to claim 12, at sufficiently low flow rates the manifold of Bell will inherently provide laminar flow.

Claims 4 and 15 rejected under 35 U.S.C. §102(b) as being anticipated by Kaminaka et al. Kaminaka et al show a fluid distributor 10 having an inlet 1 and outlets 3, the six outlets

Serial Number: 09/986758

-3-

Art Unit: 3753

disclosed being read as two banks of three. The inlet and outlets are on opposite walls.

The recitation in claim 1 of "for an air mass flow controller for fuel cells" merely relates to intended use and is given no weight. The recitation in claim 12 of "airflow" merely relates to intended use and is given no weight. As to claim 12, at sufficiently low flow rates the manifold of Kaminaka et al will inherently provide laminar flow.

The Prior Art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited show other manifolds, or diffusers.

Any inquiry concerning this communication should be directed to Examiner Fox at (703) 308-2595 or John.Fox@uspto.gov. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The fax number for Art Unit 3753 is (703) 308-7765. The Supervisory Primary Examiner for Art Unit 3753 is Michael Buiz who can be reached at (703) 308-2580 or at Michael.Buiz@uspto.gov.


JOHN FOX
PRIMARY EXAMINER
ART UNIT 3753

jcf
January 14, 2003